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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,078	08/21/2003	Richard H. Selinfreund	VTI-7013.1(CIP)	6941
47670	7590	12/08/2006	EXAMINER	
KELLEY DRYE & WARREN LLP TWO STAMFORD PLAZA 281 TRESSER BOULEVARD STAMFORD, CT 06901			LAFORGIA, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,078	SELINFREUND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christian La Forgia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 October 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 19 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

1. The amendment of 12 October 2006 has been noted and made of record.
2. Claims 19 and 20 have been presented for examination.

### *Response to Arguments*

3. Applicant's arguments filed 12 October 2006 have been fully considered but they are not persuasive.
4. The Examiner, again, acknowledges the Applicant's request for an interference, and assures the Applicant that if any of the claims in this application or 10/062,400 are found allowable the applications will proceed to interference. See MPEP § 2303; see also 37 CFR 41.102.
5. As per the Applicant's arguments that Carson fails to disclose monitoring a transfer rate of read data from the media device to the computing device resulting from the reading of data stored on a digital medium at a physical location of the medium, the Examiner disagrees. As cited in the previous action and noted by the Applicant's representative, Carson monitors the change in velocity of the read back system. According to column 2, lines 31-46 of U.S. Patent No. 6,958,960 to Sasaki, hereinafter Sasaki, the data read transfer rate is directly related to the rotational velocity of the information medium. In other words, the higher the rotation velocity, the higher the read rate, and the lower the rotation velocity, the lower the read rate.
6. Since the rotational velocity during a read back is directly related to the read transfer rate, Carson discloses monitoring a transfer rate of read data from the media device to the computing device resulting from the reading of data stored on a digital medium at a physical location of the medium and the rejection is maintained.

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7. As per the Applicant's arguments that Carson does not disclose determining at the computing device, from the monitored transfer rate, the presence of an anomaly region on the digital medium corresponding to the physical location of the data on the digital medium by identifying a modification in the transfer rate of the read data from the media device to the computing device, the Examiner disagrees. Carson discloses at column 9, lines 40-67, comparing the actual data rate with the expected data rate characteristics and detecting a velocity disruption zone.

8. Therefore, Carson discloses determining at the computing device, from the monitored transfer rate, the presence of an anomaly region on the digital medium corresponding to the physical location of the data on the digital medium by identifying a modification in the transfer rate at such anomaly region from other regions surrounding such anomaly region on the digital medium and the rejection is maintained.

9. See further rejections that follow.

***Claim Rejections - 35 USC § 102***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 19 and 20 are rejected under 35 U.S.C. 102(a) and 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,477,124 to Carson, hereinafter Carson.

12. As per claims 19 and 20, Carson teaches authenticating a digital medium comprising: monitoring a transfer rate of read data from the media device to a computing device resulting from the reading of data stored on a digital medium at a physical location of the medium (Figure 3 [block 140], column 6, lines 52-55; column 8, lines 15-43, column 9, lines 14-

50, claims 5 & 7, i.e. data transferred at a first rate, and changing the data rate when detecting a second data rate);

determining, at the computing device, from the monitored transfer rate, the presence of an anomaly region on the digital medium corresponding to the physical location of the data on the digital medium by identifying a modification in the transfer rate at such an anomaly region from the other regions surrounding such anomaly region on the digital medium (Figures 2 [blocks 136, 138], 4 [blocks 184, 186, 188], column 2, lines 40-67, column 5, lines 27-67, column 7, lines 7-26, i.e. a second data rate); and

authenticating the digital medium based on a characteristic of the anomaly region (Figure 9 [blocks 276, 278, 280, 284], column 8, lines 15-43, column 9, lines 14-50, i.e. data rate profile can be used for disc authentication purposes). According to column 2, lines 31-46 of U.S. Patent No. 6,958,960 to Sasaki, hereinafter Sasaki, the data read transfer rate is directly related to the rotational velocity of the information medium. In other words, the higher the rotation velocity, the higher the read rate, and the lower the rotation velocity, the lower the read rate.

### *Conclusion*

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

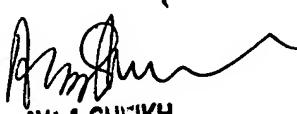
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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